

SELECT BOARD MEETING
November 14, 2019 5:30PM

Quorum noted

A. 5:30 PM: Meeting called to order by Vice Chairperson Orestis.

B. Roll Call: Mr. Lytle, Mr. Orestis and Mr. McPherson.

Absent: Mr. Donhauser (excused), Mr. Murphy (excused).

C. Pledge of Allegiance recited

D. Moment of Silence observed

E. Public Comment:

There were no public comments.

F. Approval of Minutes of Previous Meeting(s)

5:31 PM Ms. Lemire said that Mr. Murphy already sent edits and I incorporated them into the document the SB has. Ms. (Shana) Mueller sent some suggested edits, as well, and the SB needs to hear them so that you can approve them. There were suggested edits on four pages, of which all but one was non-substantive. One that Ms. Mueller sent was substantive. I went back to listen to the recorder, reviewed my minutes, and the document that Mr. Henningsen gave me and he didn't say any of the suggested words. I sent back to her that, because these minutes had to be verbatim, I didn't feel comfortable including her suggested edit, and she agreed with me.

Mr. Orestis said that he would entertain a motion to accept the minutes, as amended.

5:33 PM Motion by Mr. McPherson, second by Mr. Lytle, to approve the Special TIF Public Hearing Select Board minutes of October 22, 2019, as amended.

Roll Call Vote:

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

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Ms. (Donna) Murphy said that she has a concern, as a citizen, with Mr. Murphy making edits to the minutes behind the scene because he historically changes words.

Ms. Lemire clarified that, if it is a substantive suggestion, I don't change it, and it is discussed here.

G. Department Head/Committee Reports

5:35 PM 1) Appointment of Alice Lynch, Conservation Commission

Mr. Lee said that Ms. Lynch is here and has kindly thought of joining our Conservation Commission (CC). Just today, we received another application for the CC, which is in need of membership.

Mr. Orestis invited her to speak.

Ms. Lynch said that I am relatively new to Eliot. I have lived in York for almost 20 years and moved here 2 ½ years ago, with change of career, and now feel I have more time to devote to things I'm passionate about. I talked with Ms. Moore (Chair – CC) and I was honest with her that conservation is not my background but something I am passionate about and want to learn and grow from.

The SB thanked her for her interest.

5:36 PM Mr. Orestis moved, second by Mr. Lytle, that the Select Board approve Alice Lynch to the Conservation Commission for a term to end June 2022.

Roll Call Vote:

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

At this time, the SB signed the pertinent document.

5:37 PM 2) AIP Committee Request

Ms. (Ellen) Ceppetelli, Chair, said that I am here to answer any questions on the memo that I sent. We want to develop a proposal, as an ordinance in June, to have a senior tax assistance program in Eliot. We looked at three different models at

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our last meeting and need to look deeper because we certainly realize that, if we're going to do this, it is going to need revenue. We have a Fellow from the University of Maine Center on Aging that has developed a program in Saco and has a lot of experience, which has been helpful. We would like to know if the SB would support us in spending the next four months creating an ordinance for the ballot. Right now, I would guess, as an estimate, \$20,000 to \$30,000. The information we have right now is that the people between 64 and 84 in Eliot who took advantage of the State tax credit program was 97. To be eligible, people would have to apply for the Homestead Act and Tax Credit from the State and then they would be able to apply with us. Right now, we would like to know if the SB thinks that's a good idea and would support us moving forward.

5:39 PM Mr. Orestis asked her to expand on the \$20,000 to \$30,000 amount and what that represented.

Ms. Ceppetelli said that that is a pool of money we think we would need for qualified people. It's hard to predict because we don't have specific numbers. But 97 that might be eligible times \$200 for a rebate would be about \$20,000. We are just trying to get a picture, generally, at this point. I think, overwhelmingly, this was what the residents told us in the survey was their number one concern. Through public meetings, Festival Day, and the elections people were very supportive of this.

5:40 PM Mr. Orestis said that this is definitely something we've discussed in the past. We looked at Yarmouth, asking her if they would be looking at several different towns in Maine, what they've done, working with that Fellow, and putting that together.

Ms. Ceppetelli agreed, saying that what we know right now is that there can be a flat fee where everybody gets the same amount of money. There is also a work program provided by the State where you can give people up to \$1,000 if they volunteer, which seems to have a lot more cons than pros because you need to have someone oversee it administratively. We are looking at what would be the simplest to create and implement and have less cost to the Town.

5:41 PM Mr. Lee said that the Yarmouth model is based on a sliding scale, which I tend to favor. He explained that he was told that the work program really only works if you have a facility, like a bus station, as an example, to staff. However, when Saco closed the bus station, they had a hard time finding enough things to do and they had had their own person to administer the whole thing, and that was cumbersome.

Ms. Ceppetelli agreed, saying that you then have people who can't volunteer and, if you don't have things for those who can, then that program wouldn't work. We

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haven't studied this enough to present a particular program but would like to know if the SB thinks we should move ahead with researching this. We would welcome anyone who would like to join us as it will be part of a housing sub-committee and will be their first order of business. We want to get it on the ballot for June so we need to get going and have it done by April.

5:43 PM Mr. Lee clarified that it would actually have to be mid-February to meet the Citizen's Option Meeting April 1st.

Mr. Orestis said that I am definitely in favor of this. It has been talked about since I've been on the SB and a presentation from the AIP would be great.

Mr. McPherson and Mr. Lytle agreed.

Ms. (Donna) Murphy, Hansom Road, asked if this study would include a plan to fund this. My concern is that some of the issues the AIP are looking at aren't just senior issues. This is a poverty issue; that we have young families in Town that are struggling and, so, to shift that tax burden onto them concerns me. She asked why the Town wasn't looking at that.

5:44 PM Mr. Orestis said that that was a good point. He added that it seems that the AIP has, from the SB, the okay to go forward. I think that's great but I think that's an interesting issue, too, and I would be interested to see what comes of the AIP's research, as well. If we are going to set guidelines for specific things, it might be interesting to take it a step further, as there are families that are struggling in Town.

Ms. Ceppetelli said that, while 97 seniors took advantage of the State program, there were 219 people in Eliot that took advantage of it. So, more than half who took advantage are not elderly so it certainly is an issue and we can certainly look at that.

5:45 PM Ms. Murphy asked if part of this study is also looking at ownership assets and the impact of that to eligibility.

Ms. Ceppetelli said that I think it's too early to look at that but the way other towns have done that is that they look at median income.

H. Administrative Department

5:47 PM **1) Town Manager Report(s)**

A. State Valuation Report

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Mr. Lee commented that he included a notice that we have been excused from the Comcast lawsuit so we don't have to continue spending money to defend ourselves. He also added that the difference between the 2018 and proposed 2020 State valuation for Eliot has jumped 9.6% (\$944,350,000 vs. \$1,034,950,000).

5:49 PM B. Resignation of Barbara Boggiano, Recording Secretary for BOA

Mr. Lee said that Ms. Boggiano has, sadly, submitted her resignation as Recording Secretary for the Eliot Board of Appeals. As I put in the notes, she has been doing that for a long time. She has been marvelous and a big supporter of the Board of Appeals but, due to some issues, she feels that she needs to get done now. We are not only going to need a wonderful replacement for Ms. Boggiano but I would like to be able to send her something to tell her how greatly we've appreciated her support for the Board of Appeals for many years.

Mr. Orestis said to please do that. Is a motion necessary to accept her resignation.

Mr. Lee said no, that I have accepted her resignation with regret but I would like to send her a nice letter and a little something. She will be taking care of the next meeting we have coming up for the year. Her official date is December 31st.

5:50 PM Mr. Lytle said that I think someone needs to tell the Chair of that Board that they have to use these mics.

Mr. Lee said that that is my intent. That is part of the reason she is getting done because she's having trouble hearing people.

Mr. McPherson asked about **Line #193** regarding DPW ventilation installation, with wiring coming from DPW budget.

Mr. Lee said that that was not included, and that was known when we bought the system; that they do the install and then we have to hire an electrician to do the final wiring.

5:51 PM Mr. Lytle had several questions.

Line #11: This comment isn't clear.

Mr. Lee said that the man whom we sold this property to came in to say thank you.

Line #39 regarding the possibility of using parking tickets instead of gates at the Boat Basin.

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Mr. Lee said that he met with these people to hear their alternative ideas regarding a system we might use to collect fees from the Boat Basin seven days a week.

Line #71 regarding routine report from DPW that included a couple minor Transfer Station issues.

Mr. Lee clarified that one issue was that there was a little bit of stray waste oil from an outside container that didn't have cat litter on it and the other was that one of the containers was leeching a little bit of material. Mr. Robinson has already taken care of that.

5:54 PM **Line #135** regarding a court hearing for Mr. Staples' fence.

Mr. Lee said that he went to court Friday afternoon for the hearing. Mr. Staples was given until November 15th to have that fence removed and then we are allowed to go in and remove that fence on the Town's behalf. He checked with Ms. Chase today and the fence has not been moved. I called 125 Fence who gave me a price to go in and take down that fence so that the fence isn't destroyed; that we would tack it on the bill if we are forced to do it.

5:55 PM **Line #168** regarding pricing for skate park structure.

Mr. Lee explained that we had written to the compliance fellow at State suggesting we would like to make this a multi-age facility to include things like pickleball and 4-Square, with a smaller skate park, and he didn't like that idea. So, I was seeking pricing to find out where you buy these skate park structures and found there are some that can be mailed and you put them together on-site; that we need to put together a budget on this.

5:56 PM Ms. (Donna) Murphy asked if anyone will use this if we expend the money.

Mr. Lee said that we have reason to believe that it will get used quite a lot. There are a few people that are very excited about this and willing to do fundraising. They have kids and grandkids that would love to use it – a lot of pretty positive feedback. We think part of it is that the fence says 'stay out' and all that scrubby brush around it; it's not inviting whatsoever.

Mr. Orestis said that anecdotally, the answer is yes. I've definitely heard of some interest but what that translates into is hard to say. I think the larger issue with this is the out-of-compliance factor. If we could, with reasonable funds, get that back in compliance with the State, that will free up other funds.

Mr. Lee said that we have six different facilities in Town where we've received some of these grant funds for this particular facility. Five are in compliance, one

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is not, and we don't get any more grants until such time that we get that fixed. We will be looking for some playground grant funds, too, so there is an upside and downside to this. He added that the skate park, per the State, must remain where it is.

5:58 PM **Line #184** regarding bow hunting on the power lines.

Mr. Lee said that he got a call from a resident who was out near the power lines and saw someone who appeared to be bow hunting, or was coming back from bow hunting. The resident didn't want any bow hunting allowed on the power lines next to her property and he referred the call to the Police Department. He doesn't know how it was resolved.

C. Financial Reports

This was not discussed.

6:00 PM **2) Voting Results**

Mr. Lee read the voting results from the election on November 5th. All warrant articles passed. (Document available at Town Hall.)

6:03 PM **3) Approval of Sewer Appendices**

Sewer Standards/ Policy and Procedures

Mr. Lee said that, now that the Sewer Ordinance has passed, it references two appendices – sewer standards and policies & procedures. He is looking for approval tonight for these appendices, as prepared by our engineers and reviewed by the SB.

Mr. McPherson moved, second by Mr. Orestis, that the Select Board approve the sewer appendices – Sewer Standards and Policies & Procedures.

DISCUSSION

Mr. Lytle said that he was not happy but he would go with it. I don't know what we took out and what we added to these.

Mr. Lee said that I provided them to you in the past, hoping that you would read through them and note any problems that you had.

Mr. Lytle said that it's hard to take that and put it into this. He would have liked to see that outlined in this to be clearer.

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6:05 PM Mr. Lee said that there was a memo that came out that had the summary changes but that was to the ordinance, not the appendices.

DISCUSSION ENDED

Roll Call Vote:

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

6:06 PM 4) Approval of Sewer Fees

Mr. Lee said that this was to approve removal of the fees outside the ordinance so that they could be adjusted periodically, as needed. These rate fees are based on the value of the system and administrative costs.

6:07 PM Mr. Orestis asked Mr. Lee to speak to how we compare to other towns.

Mr. Lee said that we are lower than a lot of towns, even with these charges. Many of the systems around us are a lot more robust so you would pay a higher fee for the value of those systems.

Mr. Orestis asked if we were under any time pressure to approve these.

Mr. Lee said only in the sense that if somebody comes to us between now and the time these are accepted, he will be without a fee schedule to use.

6:08 PM Mr. Orestis said that I think fees are a big deal and, with Mr. Donhauser and Mr. Murphy not here, it might be interesting to hear their discussion on this particular issue.

Mr. Lee said that it could certainly be tabled. If you would like to table and wait for a full Board, I can understand that.

The SB agreed that this could be tabled.

Mr. Orestis suggested putting it on the agenda for next month.

6:09 PM Ms. (Donna) Murphy said, going back to the previous vote, I don't know whether to be horrified or stunned. Your job, as elected officials, is to read this material

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and to understand it. If you don't understand it, then to be asking questions in making a decision in a vote in what's in the best interests of the Town. We just had a Selectman admit he didn't understand what he was voting on and voted for it. Her expectation would be to either table this or recuse yourself from voting. You don't know what the impact is on the Town if you don't understand what you just voted on.

Mr. Orestis said we will table that until the next meeting.

Mr. Lee said yes.

6:10 PM 5) Approval of Permit Fees

Mr. Lee discussed the memo from the CEO and the proposed fees. We believe this would be more in line with what it actually costs us to do this work.

The SB agreed to table this item, as well as Item #6, until the next meeting.

6) Amend Fees for Boat Basin Parking/New Collection System Proposal

6:13 PM 7) Amend Financial Policies

This was regarding increasing the minimum required amounts for formal bidding. The staff unanimously agreed that the prices should be doubled from their current amount.

Mr. Orestis said that I know we've talked about this in the past but not having Mr. Donhauser's or Mr. Murphy's opinion on this, I think it would make sense to table this, as well.

The SB agreed to table this item until the next meeting.

8) First Revision of Selectmen's Policies

This was not discussed.

6:15 PM 9) Approve Warrants

Mr. Orestis moved, second by Mr. Lytle, that the Select Board approve A/P Warrant #68 in the amount of \$777,722.62, dated October 24, 2019; A/P Warrant #70 in the amount of \$128,006.18, dated October 31, 2019.

Roll Call Vote:

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Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson – Yes

Unanimous vote to approve motion.

I. New Business:

There was no new business.

J. Old Business:

There was no old business.

K. Selectmen's Report:

6:16 PM 1) Seeking Committee Members

Mr. Lee said that, as Mr. Murphy would say, we are always looking for committee members. Please check our website and, if you would like to get involved, we'd love to have you.

L. Executive Session

Mr. Lee said that I don't think we have gotten far enough into the negotiations with the new General Government Union that we would have a whole lot to report out, I don't believe we need to go in for labor negotiations but still need to go in under §405.A.

6:17 PM Mr. Orestis moved, second by Mr. Lytle, that the Select Board enter into executive session as allowed by 1 M.R.S.A. §405.6.A regarding discussion of information related to the dismissal of a public employee.

Roll Call Vote:

Mr. Lytle – Yes
Mr. Orestis – Yes
Mr. McPherson - Yes

Unanimous vote to approve motion.

6:30 PM Out of executive session

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Mr. Orestis moved, second by Mr. Lytle, that the Select Board has found, after due consideration with the Select Board, a request for reimbursement from a dismissed employee for personal effects, that there are no grounds and no offer for reimbursement.

Roll Call Vote:

Mr. Lytle – Yes

Mr. Orestis – Yes

Mr. McPherson - Yes

Unanimous vote to approve motion.

M. Adjourn

There was a motion and second to adjourn the meeting at 6:31 PM.

VOTE

3-0

Motion approved

Respectfully submitted,

Ellen Lemire, Recording Secretary

S/Richard Donhauser, Chairman

Date approved: 01/09/2020